

TWENTY-SEVENTH DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, Feb. 9, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

YEAS—31.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Pressler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum,
Jester,	

Prayer by the chaplain, Dr. Briggs.

Pending the reading of the journal of yesterday,

On motion of Senator Steele, the reading of the same was suspended.

PETITIONS AND MEMORIALS.

By Senator Crowley:

Petition from citizens of Brazoria county, asking for a division of the county and the creation of a new county.

Read and referred to Committee on Counties and County Boundaries:

By Senator Baldwin:

A remonstrance against the bill dividing the public domain between the university and common schools.

Read and referred to Committee on Public Lands.

By Senator Crowley:

Protest against division of Brazoria county.

Read and referred to Committee on Counties and County Boundaries.

By Senator Dean:

Petition of citizens of Val Verde county, praying for the retention of the ranger force.

Read and referred to Committee on State Affairs.

COMMITTEE REPORTS.

COMMITTEE ROOM.

AUSTIN, TEXAS, Feb. 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills

have carefully examined and compared

Senate bill No. 69, being "An act to amend article 3122 of chapter 1, title 58 of the Revised Civil Statutes of the State of Texas,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 25, being "An act to regulate the practice in the courts of civil appeals of the State of Texas in relation to reversals of cases when verdicts and judgement are held excessive, and to require such court to indicate the amount of such excess, and to provide for filing remittiturs and to define the effect thereof,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 9, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 4, a joint resolution to amend article 8 of the Constitution of the State of Texas, by adding to said article an additional section to be numbered section 19,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with these amendments:

Amend by striking out the word "nineteen" in the caption, and in each place in the resolution where the word "nineteen" occurs, and insert in lieu thereof the word "twenty."

Amend by striking out the words "commissioners court" in the first section of the resolution, and insert in lieu thereof the words "a vote of the qualified voters," and by striking out the words "an ordinance duly adopted by the city council," in the first section of the resolution, and inserting in lieu thereof the words "a vote of the qualified voters."

Amend by striking out on the first page in the first section of the resolution of the repealing clause, as follows: "And anything in this Constitution in any wise conflicting with the provisions of this section is hereby repealed in so far as such conflict may exist."

BROWNING, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 5, entitled "An act to regulate assignments for the benefit of creditors, and to declare what acts shall operate as such assignments, and to prescribe rules for administering the same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

CRANFORD, Chairman.

MINORITY REPORT.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 7, 1893.

Hon. M. M. Crane, President of the Senate:

We, the undersigned, minority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 5, entitled "An act to regulate assignments for the benefit of creditors, to declare what acts shall operate as such assignments, and to prescribe rules for administering the same," respectfully differ with a majority of said committee, and we recommend that the bill do pass, with the committee amendments hereto attached.

AGNEW,
YOAKUM.

COMMITTEE AMENDMENTS.

1. Amend by inserting the words "of the creditors" after the word "benefit," in line 6, section 1, page 1.

2. Amend by striking out the word "executed," in line 8, subdivision 3, section 2, page 2.

3. Amend by striking out the words "the place," in line 11, subdivision 4, section 2, and insert in lieu thereof the words "when and."

4. Amend by striking out the words "this act," in line 22, subdivision 7, section 2, and insert in lieu thereof the words "such affidavit."

5. Amend by striking out the word "fifty," in line 1, section 3, and in line 5, section 22, and insert in lieu thereof the words "thirty-three and one-third."

6. Amend by striking out the words "the execution of the assignment" in lines 1 and 2, section 4, and insert in lieu thereof the words "his qualification."

7. Amend by striking out the word "and" in line 5, section 4.

8. Amend by striking out the word "any" in line 6, section 5, and inserting in lieu thereof the words "the first."

9. Amend by striking out the words "or in which his principal business was conducted," in lines 2 and 3, section 6.

10. Amend by striking out the word "five" in line 3, section 6, and inserting the word "ten" in lieu thereof; and by striking out the word "five" in line 19, section 6, and inserting in lieu thereof the word "ten."

11. Amend by inserting after the word "creditor," in line 8, section 7, the words "having notice of such assignment."

12. Amend by adding to section 19 after the word "assign" the following: "Provided, nothing herein shall be so construed as to deprive any debtor of any remedies he might have against any attaching or garnishing creditor by reason of such garnishment or attachment."

13. Amend by striking out all after the words "other creditor," in line 3, section 20, down to and including the word "creditors," in line 6, and also striking out the words "or do any act," in line 2, section 20; also strike out the word "two," in line 8 of said section and insert in lieu thereof the word "one."

14. Amend by adding to section 20, after the word "receiverships," in line 30, the following: "And upon the appointment of such receiver all attachments, writs of process or levies, or garnishments, shall be dissolved, and the sheriff, constable or other party holding said property, or any indebtedness, shall turn the same over to the receiver so appointed."

15. Amend by striking out all of sections 21 and 28.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 7, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 145, entitled "An act to amend article 566, chapter 2, title 20 of the Revised Civil Statutes of the State of Texas, as amended by the Twenty-second Legislature,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

CRANFORD, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, Feb. 9, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 117, entitled "An act to validate and legalize the appointments by councils in certain cities and

towns of boards of trustees, and to validate and legalize the acts of such boards of trustees, and prescribing construction to be given to this act."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do not* pass.

SMITH, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 35, being "An act to amend section 1a of an act approved April 15, 1891, entitled an act to amend section 1 of an act approved March 23, 1891, entitled an act to amend chapter 25 of the acts of 1883, entitled an act to amend chapter 48 of the acts of 1887, an act to amend section 46 of an act to encourage stock-raising, and to protect stockraisers, approved April 22, 1879, and amended April 12, 1880, March 27, 1887, and March 29, 1886, so that the same shall read as follows,"

And find the same correctly engrossed.

PRESSLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, Feb. 8, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate concurrent resolution No. 9, concurrent resolution accepting the donation by the citizens of Austin of ninety-one acres of land situated in Travis county, with improvements thereon, known and designated as "Camp Mahry," for use as the place for holding the annual encampments of the militia of this State, and returning thanks for same,

And find the same correctly engrossed.

PRESSLER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Tips:

A bill to be entitled "An act to amend articles 4592, 4603, 4604, 4605, 4606 of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Boren:

"An act to amend article 259, title 8 of chapter 6 of the Penal Code of the State of Texas, acts of the Twenty-

second Legislature, approved April 13, 1891."

Read first time and referred to Judiciary Committee No. 1.

By Senator Woods:

A bill to be entitled "An act to amend sections 12, 19, 23, 65, 145, 147, 149, 158 and 160 of an act entitled an act to incorporate the city of Denison, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs, passed March, 1891."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Yoakum:

A bill to be entitled "An act to create a city criminal court and to provide for an election of the qualified electors of any city, other than the county seat, having a population of 5000 or more, to determine whether they will have a city criminal court, and to provide for the appointment of a judge therefor."

Read first time and referred to Judiciary Committee No. 1.

By Senator McComb:

Resolved by the Senate, That the Committee on Public Printing be and are hereby authorized to purchase of the Hutchings Printing Company, for the use of the Senate, two hundred copies of the "Texas Legislative Manual for 1893," at a cost not to exceed \$260;

Provided, said Manual contains:

Rules of the Senate and House;

State and United States Constitutions;

Standing committees of the two Houses;

List of Senators and Representatives;

List of officers of the two Houses;

Platforms of the State Democratic parties and of the Populists.

And said book to be printed and bound in a substantial manner.

Resolved further, That the resolution for printing the Rules of the Senate be and the same is hereby revoked.

Adopted.

HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, Feb. 9, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bill, to-wit:

Senate bill No. 16, "An act for the relief of railway companies having

charters granted or amended since January 1, 1887, and extending time for their completion, with amendments." Passed by two-third vote—ayes, 111; noes, 2.

Respectfully,

GEO. W. FINGER,
Chief Clerk House of Representatives.

Senator Bowser moved that the Senate refuse to concur in the House amendment to Senate bill No. 16, and that a committee be appointed on the part of the Senate to confer with a like committee from the House.

Carried.

UNFINISHED BUSINESS.

The Chair laid before the Senate special order,

Senate bill No. 132, entitled "An act to authorize the Commissioner of Agriculture, Insurance, Statistics and History to exhibit at the World's Columbian Exposition at Chicago in 1893, the collection of agricultural, mineral and other specimens of the products of Texas, in said offices or that may be contributed to the State for that purpose, authorize the commissioner to appoint, with the concurrence of the Governor, a commissioner who may, with his approval, appoint all clerical and other help necessary to transport said exhibit to and from Chicago, care for the same while on exhibition, and to make an appropriation therefor."

Action recurred to the amendment offered by Senator Yoakum on yesterday as follows: "Amend by striking out section 1."

By Senator Swayne:

Amend section 1 by striking out the words "one hundred thousand," and insert in lieu thereof "thirty thousand."

By Senator Dean:

Amend the amendment by striking out "thirty thousand," and insert "two hundred thousand."

Lost.

By Senator Lewis:

Amend the amendment by striking out "thirty thousand," and inserting in lieu thereof "fifty thousand."

Lost by the following vote:

YEAS—12.

Atlee,	Imboden,
Baldwin,	Jester,
Bowser,	Lewis,
Crowley,	McComb,
Dean,	Shelburne,
Goss,	Simpson.

NAYS—19.

Agnew,	McKinney,
11—Senate	

Boren,	Pressler,
Browning,	Smith,
Cranford,	Steele,
Dickson,	Swayne,
Douglass,	Tips,
Greer,	Whitaker,
Hutchison,	Woods,
Kearby,	Yoakum.
Lawhon,	

Senator Swayne's amendment was then adopted by the following vote:

YEAS—18.

Agnew,	Goss,
Atlee,	Greer,
Baldwin,	Imboden,
Bowser,	Jester,
Browning,	Kearby,
Cranford,	Lewis,
Crowley,	McComb,
Dean,	Shelburne,
Dickson,	Swayne.

NAYS—13.

Boren,	Smith,
Douglass,	Steele,
Hutchison,	Tips,
Lawhon,	Whitaker,
McKinney,	Woods,
Pressler,	Yoakum.
Simpson,	

Senator McComb moved to postpone the further consideration of this bill till to-morrow after morning call.

Lost.

The bill was then extensively discussed, and pending further action.

On motion of Senator Yoakum Senate bill No. 3, entitled "An act to provide for the establishment of an Agricultural and Mechanical college in North Texas," was made special order for Friday, February 17, after morning call, and Senate bill No. 92, entitled "An act to add article 225a to title 4, chapter 2 of the Code of Criminal Procedure of the State of Texas," was made special order for Friday, February 17, at 11 a. m.

The Chair referred House bill No. 20, being "An act to amend title 18, chapter 3, article 816, Penal Code of the State of Texas," to Judiciary Committee No. 2.

The Chair announced the following conference committee on part of the Senate to confer with a like committee on part of the House, to consider Senate bill No. 16: Bowser, Swayne, Agnew, Tips and Kearby.

On motion of Senator Kearby, Senate bill No. 96, to be entitled "An act to authorize the redemption of real estate sold under mortgage, trust deed, execution or other forced or judicial sale, and to provide the manner

and time within which the same may be redeemed," was made special order for Tuesday, February 14, after morning call, and Senate bill No. 144, entitled "An act to define the kind of money which is a legal tender in the payment of all debts and contracts to be paid, and that money to be collected in the State of Texas, and to prevent discrimination in favor of or against either metal," was made special order for Tuesday, February 14, after Senate bill No. 96.

On motion of Senator Kearby, Senate bill No. 25, entitled "An act to regulate the practice in trial and appellate courts in relation to new trials and reversal of cases where verdict and judgment is held excessive, and to require said courts to indicate the excess, and to provide for filing of remittiturs, and the effect thereof," was made special order for Wednesday, February 15, after call, and

Senate bill No. 4, entitled "An act to limit and regulate the ownership of real estate within this State by private corporations, foreign or domestic; to provide how and when such real estate shall be sold to natural persons, and to provide for the enforcement of this act; to provide for the payment of attorney fees and costs of such suit, and for the disposition of the proceeds of said real estate; to provide that certain corporations may own real estate for certain purposes, and to repeal all laws in conflict with this act," was made special order for Wednesday, February 15, after Senate bill No. 25.

Also Senate bill No. 77, entitled "An act to make notes, bonds, contracts and other evidence of debt held by persons without the State of Texas, that are secured by a lien on land within the State, subject to taxation in the State, and providing that they shall be rendered and the taxes paid thereon in the county in which the land is situated, and providing the mode of collecting the same, and prohibiting any agreement whereby the payer of said note, bond, contract or other evidence of debt shall pay said taxes or become liable therefor," was made special order for Thursday, February 16, after call.

Senator Imboden entered a motion to reconsider the vote by which the amendment offered by Senator Swayne to Senate bill No. 132 was adopted, and same was ordered spread upon the journal.

On motion of Senator Dean, the Senate adjourned to to-morrow at 10 a. m. by the following vote:

YEAS—23.

Agnew,	Lawhon,
Atlee,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Hutchison,	Tips,
Jester,	Woods.
Kearby,	

NAYS—8.

Baldwin,	Imboden,
Boren,	Pressler,
Dickson,	Whitaker,
Greer,	Yoakum.

TWENTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Feb. 10, 1893.

Senate met pursuant to adjournment.

Lieutenant Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Pressler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Whitaker,
Imboden,	Woods.

ABSENT—3.

Douglass,	Yoakum.
Kearby,	

Prayer by the chaplain, Dr. Briggs.
Pending the reading of the journal of yesterday,

On motion of Senator Whitaker, the reading of the same was suspended.

On motion of Senator Simpson, Senator Whitaker was excused from to-morrow until Thursday of next week.

On motion of Senator Dickson, Senator Douglass was excused until Monday on account of sickness.

On motion of Senator Crowley, Senator Shelburne was excused from attendance on to-morrow.

On motion of Senator Baldwin, Senators Kearby and Yoakum were excused until Monday next on committee duty.